

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

IN THE MATTER OF THE SEARCHES OF:	
WHITE HYUNDAI ACCENT BEARING PA LICENSE PLATE MFL-0049 (TARGET VEHICLE)	Magistrate No. 24-725

**AFFIDAVIT IN SUPPORT OF APPLICATION FOR SEARCH WARRANT**

I, Kelley Stanton, being duly sworn, state as follows:

1. I am a Special Agent of the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), assigned to the Pittsburgh Field Office, Group I. I have been employed as an ATF Special Agent since April of 2021. While at the ATF National Academy, I received extensive training in investigating federal firearms, arson, explosives, and narcotics related violations, conducting surveillance, establishing probable cause, and executing search and arrest warrants.

2. As an ATF Special Agent, I am an “Investigative or Law Enforcement Officer” of the United States within the meaning of Title 18, United States Code Section 2510(7); that is, an officer of the United States who is empowered by law to conduct investigations of, and to make arrests for, offenses enumerated in Title 18, United States Code, Section 2516.

3. As an ATF Special Agent, I am responsible for enforcing Federal criminal statutes and am authorized to serve arrest and search warrants under the authority of the United States. I have participated in numerous federal and state search warrants related to firearms, arson, explosives and narcotics violations, and I have assisted in the writing of affidavits to this effect.

4. I have participated in criminal investigations with ATF as well as other federal, state and local law enforcement agencies relating to violations of various federal laws. I have been involved in firearms and narcotics-related arrests and the execution of search warrants and arrest

warrants, which resulted in the seizure of firearms and narcotics and have assisted in the supervision of activities of confidential informants who provided information and assistance resulting in controlled purchases of firearms and narcotics.

5. As an ATF Special Agent, I am familiar with the way in which individuals involved in illegal trafficking of firearms or and/or narcotics use cellular telephones, and that evidence can be obtained from the cellular telephones of individuals involved in that illegal activity.

6. The information contained herein is based upon my own personal investigation, observations, and knowledge, as well as upon the investigation, personal observations, and knowledge of other law enforcement officers with whom I have discussed this case. Because this Affidavit is being submitted for the limited purpose of establishing probable cause in support of a search warrant, I have not included every item of evidence or piece of information known to me; rather, I have included only those facts necessary to establish probable cause.

7. For the reasons and to the extent detailed below, I am submitting this affidavit in support of the following:

a. Search warrant for a white Hyundai Accent bearing PA license plate MFL-0049, further described in Attachment A and referred to herein as the **TARGET VEHICLE**.

8. The purposes of the search warrant is to search the **TARGET VEHICLE** for evidence of violations of Title 18 U.S.C. § 922(u), referred to herein as the **TARGET OFFENSE**, further described in Attachment B.

9. This affidavit is submitted in support of a warrant to search the **TARGET VEHICLE** described in Attachment A. The items to be seized from the **TARGET VEHICLE** are more fully described in Attachment B which is appended to this affidavit and incorporated

herein by reference, and includes firearms/weapons, all cellular telephones as well as electronic data, internet records, financial records concerning the trafficking of firearms, safes, lockboxes, and other storage devices, firearms/weapons, cash/currency, indicia of residency, and other evidence of trafficking and any evidence related crime related to firearms or crimes committed with firearms, such as clothing, masks, or backpacks.

10. The facts set forth in this affidavit are based on my personal knowledge, knowledge obtained during my participation in this investigation, knowledge obtained from other individuals, including other law enforcement personnel, review of records related to this investigation, communications with others who have personal knowledge of the events and circumstances described herein, and information gained through my training and experience.

11. Because this affidavit is submitted for the limited purpose of establishing probable cause in support of the application for a search warrant, this affidavit does not set forth each and every fact learned by me during the course of this investigation.

### **PROBABLE CAUSE**

#### **BURGLARY OF SECONDS COUNT FIREARMS**

12. In the early hours of Monday, April 29, 2024, a burglary occurred at Seconds Count Firearms, Inc., located at 151 Diamond Street, Mercer, PA 16137. Seconds Count Firearms is a federal firearms licensee. Both exterior and interior video cameras captured the incident, which will be described as follows.

13. Three actors will be detailed below and will be referred to as SUSPECT #1, SUSPECT #2, and SUSPECT #3. SUSPECT #1 is wearing all black, with what appears to be a zipper down the front, and a black hood. SUSPECT #2 is wearing black pants, a green hooded sweatshirt with a logo of some sort on the front, and a black face mask (eyes visible). SUSPECT

#3 is wearing a lighter colored hooded sweatshirt and what appear to be khaki-colored pants. SUSPECT #3 does not enter Seconds Count Firearms, Inc. and is captured mostly on the outdoor cameras where there is less light. SUSPECT #1 appears to be a black male based on his stature and short dread/twist-style hair style, which was captured on interior cameras within Seconds Count Firearms, Inc. SUSPECT #2 is noticeably shorter and smaller in stature. It is not clear if SUSPECT #2 is a male or female. SUSPECT #3 is taller than SUSPECT #2, and it is not clear if SUSPECT #3 is male or female. All SUSPECTS were wearing gloves.

14. At approximately 5:03am, a dark gray colored Kia Optima bearing PA license plate HHH-5509 was captured on video outside of Seconds Count Firearms, Inc. on North Pitt Street, Mercer, PA. At approximately 5:15am, the Kia Optima pulled onto North Diamond Street, in front of Seconds Count Firearms, Inc. The Kia Optima can then be seen accelerating at a high rate of speed into the front window of Seconds Countr Firearms, Inc., to the left-hand side of the entry doors.

15. At approximately 5:16am, SUSPECT #1 and SUSPECT #2 were captured on video entering Seconds Count Firearms, Inc. An image of interior security camera video located inside Seconds Count Firearms, Inc. moments after the Kia Optima smashed through the window is depicted below.



16. Once inside, SUSPECTS #1 and #2 began grabbing AR-15 style rifles from a free-standing open display case. SUSPECT #2 is carrying a black backpack and can be seen placing firearms inside the bag. SUSPECT #1 carries the rifles outside to the Kia and returns for more. SUSPECT #2 walks over to an enclosed display case that contains handguns. SUSPECT #2 can be seen attempting to smash the glass with an AR-15 style rifle. The glass does not break. Images of the show room being burglarized are depicted below.



17. At approximately 5:20am, SUSPECT #1 and #2 exit Seconds Count Firearms, Inc. It appears that all SUSPECTS travel west on North Diamond Street on foot.

#### **LAW ENFORCEMENT RESPONSE**

18. At approximately 5:22am, Mercer Borough Police Department (MBPD) arrived at Seconds Count Firearms, Inc. for a burglar alarm and discovered the scene depicted above. MBPD observed the damage to the structure and cleared the building of any occupants. Pennsylvania State Police (PSP) was notified and responded. PSP took photographs and processed the scene, recovering numerous items to include: an Apple iPhone and PA plate bearing number: GSE-2567, from inside the Kia Optima.

19. The Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) was notified of the incident and multiple Special Agents (SA's) and Industry Operations Investigators (IOI's) responded to assist with the investigation. Your affiant, as well as several additional ATF Special Agents, personally were on scene and reviewed all of the interior and exterior security camera footage described above.

20. The Kia Optima is registered to an individual whose identity is known to your affiant. The Kia Optima was stolen out of Erie, PA.

21. The owner of GSE-2567 registered to an individual whose identity is known to your affiant. The plate comes back to a Kia Sportage that was stolen out of McKees Rocks, PA.

22. ATF Industry Operations Investigators (IOI's) completed a full inventory of Seconds Count Firearms and determined that 21 total firearms were stolen during this incident. All 21 were AR-15 style rifles.

23. As the investigation progresses, investigators learned of a white Hyundai Accent bearing PA plate: HBF-6044 (**TARGET VEHICLE**). This vehicle was reported stolen and last seen approximately two (2) blocks from Seconds Count Firearms, Inc. Investigators discovered that the vehicle was reported stolen from North Pitt Road at approximately 5:40 am on this same date. Law Enforcement then reviewed LPRs and issued a bulletin for this vehicle. Furthermore, Law Enforcement was updated on the location of the vehicle by the vehicle owner.

24. On April 29, 2024, at approximately 8:50 pm, Law Enforcement located the **TARGET VEHICLE**. Law Enforcement had been receiving updates on the vehicle's location from the vehicle's registered owner, who had been receiving updated location information of the vehicle through a theft prevention feature provided by Allstate. Using License Plate Readers in conjunction with these updates, Law Enforcement identified the vehicle despite the fact that the

occupants had changed the vehicle's plates following the theft. The **TARGET VEHICLE**'s original plate had been removed and replaced with a plate reading MFL-0049. When Law Enforcement attempted to stop the vehicle, the driver rammed the police vehicle. The vehicle was occupied by four juvenile aged males. While detaining the males, two AR-15 style rifles were visible in plain view.

25. After securing the subjects, Law Enforcement discovered two price tags from Seconds Count Firearms bearing serial numbers of two stolen firearms. Law Enforcement also observed the trunk was partially ajar from striking a police vehicle. Detectives illuminated the trunk and observed a sleeping bag. The sleeping bag appeared to be spread across the trunk and was sitting high in the trunk near the trunk lid as if it was covering large objects.

26. The four males were detained and transported to Pittsburgh Bureau of Police's Headquarters located at 1203 Western Avenue.

27. Based on the foregoing, including the fact that the vehicle was reported stolen from the area of the burglary around the time it occurred, the presence of two AR-15s in plain view in the passenger compartment, and the large bulky objects observed concealed in the trunk of the vehicle, there is probable cause to believe that the occupants of the vehicle were involved in the FFL burglary described above.

### CONCLUSION

28. I submit that this affidavit supports probable cause for a warrant to search the **TARGET VEHICLE** further described in Attachment A and seize the items described in Attachment B. Your Affiant has reason to believe that contained therein is evidence of the Seconds Count Firearms, Inc. burglary, including additional firearms stolen in the burglary, in violation of the TARGET OFFENSES.

/s/ Kelley Stanton  
Kelley Stanton  
Special Agent  
Bureau of Alcohol, Tobacco,  
Firearms and Explosives (ATF)

Sworn to and subscribed to before me,  
by telephone Pursuant to Fed. R. Crim.  
P. 4.1(b)(2)(A), this 30<sup>th</sup> day of April 2024.

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THE HONORABLE MAUREEN P. KELLY  
UNITED STATES MAGISTRATE JUDGE

**ATTACHMENT A**

**DESCRIPTION OF PREMISES TO BE SEARCHED**

White, Hyundai Accent bearing PA Plate: MFL-0049. This vehicle is currently located at Pittsburgh Bureau of Police Public Works Yard, 51 ½ 29<sup>th</sup> Street, Pittsburgh, PA 15201.



**ATTACHMENT B**

**PROPERTY TO BE SEIZED**

Any and all evidence, instrumentalities, fruits, and contraband relating to violations of Title 18 U.S.C. § 922(u).

- a. Any cellular devices, iPads, tablets, or other electronic devices capable of connecting to a telephone network and/or the internet;
- b. Records concerning the use of the internet and/or cellular phones to conduct firearms transactions;
- c. Safes, lockboxes, and other storage devices, whether locked or unlocked;
- d. Books, records and information, receipts, notes, ledgers, and/or papers relating to the transfer, transportation, ordering, purchasing, and/or sale of firearms;
- e. Clothing, shoes, or other materials
- f. Books, records and information, receipts, bank statements and records, money drafts, letters of credit, money orders and/or cashier's checks, and other items evidencing the obtaining, secreting, transfer and/or concealment of assets and the obtaining, secreting, transfer, concealment and/or expenditure of money made from engaging in illegal firearms trafficking;
- g. Financial proceeds of unlawful trafficking in firearms, including but not limited to, United States currency, financial instruments, precious metals, jewelry and/or other items of value and/or proceeds of drug transactions and evidence of financial transactions relating to obtaining, transferring, secreting, or the spending of large sums of money made from illegal firearms trafficking activities;
- h. Photographs of persons suspected of unlawful firearms trafficking;

i. Indicia of occupancy, residency, rental, usage and/or ownership of the premises described above, as well as the rental, usage and/or ownership of any vehicle engaged in the trafficking of firearms, including but not limited to, rental agreements, titles, telephone bills, utility bills, vehicle registrations, canceled envelopes, safety deposit box keys, safe keys, as well as keys to the actual residence and/or premises, and/or vehicles;

j. Records of telephone numbers, address books, or papers which reflect names, addresses and/or telephone numbers of associated and co-conspirators involved directly and indirectly in the trafficking of firearms, and/or associates who have a monetary consideration and/or interest in the illegal trafficking of firearms;

k. Any and all firearms possessed or utilized in the furtherance of the illegal acquisition, possession, sale, trade, distribution, storing, secreting, transfer, transportation, and/or illegal trafficking of drugs. And any and all firearms used or intended for use to facilitate a violation of Title 21, U.S.C. §§ 841 and 846;

l. Mail matter (all classes), Priority Mail and Priority Mail Express parcels and packaging, FedEx and UPS parcels and packaging, and other correspondence, which reflect names and addresses of suspected co-conspirators in the trafficking and mailing of firearms and cash proceed.

m. Any and all clothing, shoes, backpacks, luggage, masks or hats, headlamps, flashlights, bags or tools worn or used during the illegal trafficking or theft of firearms and/or commission of any felony in which a firearm(s) was/were used or the threat of a firearms was intended.